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CPIT/1700

ATTORNEY DOCKET NO. DEXNON/096/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re prior application of:
Helen VIAZMENSKY and Peter C. SCOTT

Application No.: 09/489,539

Examiner: John J. Guarriello

Filed: January 21, 2000

Group No.: 1771

For: Improved Dry Crimp Strength in Non-Heat Seal Infusion
Package Material

#8
Kw
3-19-03

Box CPA
Commissioner For Patents
Washington, DC 20231

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL
(37 C.F.R. § 1.53(d))

NOTE: A Continued Prosecution Application can only be used to file a divisional or continuation of a prior nonprovisional application and can NOT be used to file a continuation-in-part application. 37 C.F.R. § 1.53(d)(1).

1. This is a request for the filing of a

☒ Continuation

☐ Divisional

Continued Prosecution Application under 37 C.F.R. § 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this Continued Prosecution Application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this Continued Prosecution Application. 37 C.F.R. § 1.53(d)(2)(v).

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Express Mail Label No. EV 235258475 US

I hereby certify that this paper and the attachments enclosed herewith are being deposited with the United States Postal service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to the Box: CPA, Commissioner For Patents, Washington, DC 20231.

Date: February 7, 2003

DOTI ANN LEWIS

2. With Respect To The Above-Identified Prior Nonprovisional Application, This Continued Prosecution Application Is Being Filed:

- A. ☒ Before the earliest of the:
- ☐ Termination of the proceedings on the prior application (37 C.F.R. § 1.53(d)(1)(ii)C).
 - ☐ Payment of the issue fee on the prior application (37 C.F.R. § 1.53(d)(1)(ii)(A)).
 - ☒ Abandonment of the prior application (37 C.F.R. § 1.53(d)(1)(ii)(B)).

OR

- B. ☐ After the payment of the issue fee - but a petition under § 1.313(b)(5) has been granted in the prior application. 1.53(d)(1)(ii)(A).

- C. It is noted that:

- This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).
- Filing of this Continued Prosecution Application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).
- Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).

3. Extension of Time.

NOTE: "If an extension of time is necessary to establish continuity between the prior application and the CPA, the petition for extension of time should be filed as a separate paper directed to the prior nonprovisional application. However, a CPA is not improper simply because the request for a CPA is combined in a single paper with a petition for extension of time.

"If an extension of time directed to the prior application is filed as a separate paper, it must be accompanied by its own certificate of mailing under 37 CFR 1.8 (if mailed by First Class Mail) or under 37 CFR 1.10 (if mailed by Express Mail), of the benefits of those rules are desired." M.P.E.P. § 201.06(d), 7th ed.

- ☒ The term for response or taking action in the prior application expires on **February 14, 2003**.
- ☐ No extension of time in the prior application appears necessary.
- ☒ A Petition for Extension of time in the prior application is:
- ☒ Filed concurrently in the prior application.
 - ☐ Has been filed on _____.

A copy of the above Petition for Extension of Time is included with this application.

If an extension of time in the prior application is needed and such extension has not been filed, consider this a petition therefore.

4. **This Continued Prosecution Application names as inventors:**

☒ The same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.

☐ Fewer than all the inventors named in the prior application. 37 C.F.R. § 1.53(d)(4).

☐ Please delete the following name(s) as inventor(s), who are not inventor(s) of the invention being claimed in this new application:

☐ Please add the following name(s) as inventors:

☐ A Petition Under § 1.48 is attached.

5. **Amendment.**

☐ No amendment to the prior application is being submitted at this time.

☒ Attached hereto is a Preliminary Amendment to the prior application as it existed prior to the filing of this Continued Prosecution Application.

☐ Please enter in this Continued Prosecution Application the unentered Amendment under 37 C.F.R. § 1.116 filed in the prior application.

6. **Information Disclosure Statement.**

☐ Enclosed is an Information Disclosure Statement in accordance with the requirements of 37 C.F.R. § 1.98.

7. **Fee Calculation.**

A. ☒ Regular Application

CLAIMS AS FILED

<u>Number Claims Filed</u>	<u>Number Extra Claims</u>	<u>Large Entity Rate</u>	
BASIC FEE 37 C.F.R. § 1.16(a)			\$ 750.00
<u>Total Claims</u>	20 - 20 = 0	X \$18.00 =	\$
<u>Independent Claims</u>	4 - 3 = 1	X \$84.00 =	\$ 84.00
<u>Multiple Dependent Claim(s), if any</u>	+	\$280.00	\$

- ☐ An Amendment canceling extra claims is enclosed.
- ☐ An Amendment deleting multiple-dependencies is enclosed.
- ☐ The fee for extra claims is not being paid at this time.

B. ☐ Design Application Filing Fee Calculation \$

C. ☐ Plant Application Filing Fee Calculation \$

Filing Fee Calculation \$ 834.00

8. **Small Entity Statement(s).**

- ☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.
- ☐ Status as a small entity was claimed in prior application _____, filed on _____, from which benefit is being claimed for this application under:
35 U.S.C § ☐ 119(e), ☐ 120, ☐ 121, ☐ 365(c), and which status as a small entity is still proper and desired.
- ☐ A copy of the statement in the prior application is included.

9. **Fee Payment Being Made at This Time.**

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time.
- ☐ Applicant Hereby Revokes The General Authorization To Pay Fees Filed In The Prior Nonprovisional Application Of Which This Is A Continued Prosecution Application.

(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing Fee \$ 834.00

☐ Recording Assignment
(\$40.00-37 C.F.R. § 1.21(h))
(See attached "COVER SHEET
FOR ASSIGNMENT ACCOMPANYING
NEW APPLICATION.") \$ _____

☐ Petition fee for filing by other than all
the inventors or person on behalf of
the inventor where inventor refused
to sign or cannot be reached.

(\$130.00 – 37 C.F.R. §§ 1.47 and 1.17(i)) \$ _____

Total Fees Enclosed \$ 834.00

10. **Method of Payment of Fees.**

- ☒ Check In The Amount Of \$ 834.00
- ☐ Charge Account No. _____ In The Amount Of \$ _____.
- ☒ A Duplicate Copy Of This Transmittal Is Attached.

11. **Authorization to Charge Additional Fees.**

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. **16-2563**
- ☒ 37 C.F.R. § 1.16
- ☒ 37 C.F.R. § 1.17
- ☐ 37 C.F.R. § 1.18

12. **Instruction as to Over-Payment.**

- ☒ Credit Account No. 16-2563.
☐ Refund.

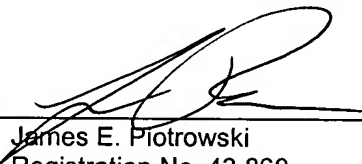
13. **Change of Correspondence Address Since Filing of Parent Application.**

- ☒ All correspondence in this Continued Prosecution Application should be directed to the address established in prior application.
- ☐ A change of correspondence address is included with this Continued Prosecution Application. Please direct all correspondence to the address provided below.

Respectfully submitted,

Helen VIAZMENSKY and Peter C. SCOTT

By


James E. Piotrowski
Registration No. 43,860
Alix, Yale & Ristas, LLP
Attorney For Applicants

DATE: February 7, 2003
750 Main Street – Suite 1400
Hartford, CT 06103-2721
(860) 527-9211



Atty. Docket No.: DEXNON/096/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Helen VIAZMENSKY and Peter C. SCOTT

Serial No. 09/489,539

Examiner: John J. Guarriello

Filing Date: 01/21/2000

Group Art Unit: 1771

For: IMPROVED DRY CRIMP STRENGTH IN NON-HEAT SEAL INFUSION
PACKAGE MATERIAL

Commissioner For Patents
Washington, DC 20231

Sir:

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KW
319-03

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PRELIMINARY AMENDMENT

Applicants respectfully request entry of this Preliminary Amendment to the above application as it existed before the filing of this Continued Prosecution Application and prior to calculation of the filing fee and prior to examination.

AMENDMENT

Please amend the claims as follows:

1. (amended) A [single layer] fibrous non-woven non-heat seal porous web material ~~consisting of a single, wet laid layer and~~ comprising 0.5 to 25 percent by weight of synthetic material with natural fibers comprising the remainder of said web material.
2. (amended) The web material of claim 1, comprising 1 to 10 percent by weight synthetic material.
3. (amended) The web material of claim 2, wherein the natural fibers are selected from [the group consisting of] jute, kraft, abaca, hemp, kenaf, wood and mixtures thereof.

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